IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 294 OF 1996

The State of Maharashtra) .....Applicant.

V/s

Purushottam Mavendra Mohanthy)
aged 14 years, Occ:)
residing at C/o. Narendra)
Gokul Mohanthy,At Post: Gadasthapur,)
Tal. Sora,Dist: Baleshwar,)
State:- ORISA.) ....Respondent.

Ms. S.V. Gajare, APP for the applicant.

Mr. M.R. Deshpande & Mr. Ravi Rattesar for the respondent.

CORAM: V.M. KANADE, J.

DATE : 22nd September, 2006

ORAL JUDGMENT:

1. This Criminal Revision Application is filed by the State, challenging the Order passed by the Juvenile Court, Umerkhadi, Mumbai dated 31/8/1996.

2. Brief facts which are relevant for the purpose of deciding this Criminal Revision Application are as under:-

3. Respondent, who was a juvenile on the date of commission of the offence, was charged for the offence punishable under section 302 read with section 34 and also for the offence punishable under section 381 read with section 34 of the Indian Penal Code. The accused pleaded guilty to the said charge. The Juvenile Court, after perusing the report of the Child Welfare Officer, held the respondent/accused guilty under section 302, 381 read with section 34 of the Indian Penal Code. However, he was allowed to go home on advice. Section 21(1)(a) of the Juvenile Justice Act, 1986 reads as under:-

> 21. Orders that may be passed regarding delinquent juvenile.-
>
> (1) Where a Juvenile Court is satisfied on inquiry that a juvenile has committed an offence, then, notwithstanding anything to the contrary contained in any other law for the time being in force, the Juvenile court may, if it so thinks fit,-

> (a) allow the juvenile to go home after advice or admonition;
> (b) .....
> (c) .....
> (d) .....
> (e) .....”

The said provision clearly provides that the Juvenile Court is entitled to allow the Juvenile to go home after giving advice or admonition. The Juvenile Court in the facts of this case, after going through the Child Welfare Officer’s Report, found it fit to allow the respondent to go home after giving him advice. The said Order was passed on 31/08/1996. During this period of 10 years, after the order was passed, the respondent has not come to the adverse notice of the police.

4. Under these circumstances, it is not necessary to interfere with the order passed by the Juvenile Court while exercising revisional jurisdiction of this Court. Criminal Revision Application is dismissed.

(V.M. KANADE, J.)